

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

CALESTRO C. BRADFORD,

Debtor.

Chapter 13
Case No. 16-53993-mbm
Hon. Marci B. McIvor

PROPOSED POST-CONFIRMATION PLAN MODIFICATION

Now Comes the Debtor, Calestro C. Bradford, by and through counsel,
GOLD, LANGE & MAJOROS, P.C., and states as follows in support of this
Modification:

1. A proposed Order Modifying Plan, stating the specific relief requested, is attached herein as **Exhibit A**.
2. The above-captioned matter was filed on October 13, 2016.
3. The Debtor's 60 month Chapter 13 Plan of Reorganization was confirmed on August 16, 2017. The Debtor's Chapter 13 Plan expires on August 16, 2022.
4. Pursuant to a term of the confirmed Plan, the Debtor is required to pay monthly plan payments of \$4,024.00. Class 9 general unsecured creditors are scheduled to receive \$4,387.00.
5. The basis for paying Class 9 general unsecured creditors \$4,387.00 is the Debtor's liquidation analysis. See **Exhibit B** attached hereto.

6. The liquidation analysis estimated that \$15,387 was available for unsecured creditors in Chapter 7 liquidation and subtracted out \$11,000 for estimated priority unsecured claims, leaving \$4,387.00 for general unsecured creditors.
7. However, the claims register in this case reveals that allowed priority unsecured claims total \$13,461.70. Subtracting this amount from the estimated \$15,387 available in Chapter 7 liquidation, class 9 general unsecured creditors should receive no less than \$1,925.30 in this case. Therefore, the debtor wishes to reduce the Class 9 dividend to this amount.
8. On March 14, 2017, an Order Granting Ford Motor Credit's Motion for Relief from Stay was entered regarding the debtor's 2015 Lincoln MKC (Docket No. 59). The Debtor has returned this vehicle to the lender.
9. Since confirmation of the Debtor's plan, her son has been diagnosed with a significant and permanent medical condition, requiring him to be hospitalized for a period. As a result, the Debtor was unable to generate much revenue from her business ventures during this time.
10. Additionally, since confirmation the Debtor's friend, whom was contributing significantly to the Debtor's income, was diagnosed with

cancer and unfortunately has become unable to continue assisting the Debtor financially at the level he had been.

11. As a result of these unexpected events, the Debtor has been unable to make her monthly plan payments. There is currently a plan payment delinquency of \$19,678.00.

12. The Debtor has recently gained employment at ClearCaptions, LLC, as a sales representative. The Debtor's pay structure consists of a base salary, plus commission. The Debtor can now effectuate a wage order to avoid future Plan funding issues.

13. While the Debtor is new at her current job, she is hard at work generating sales and increasing her commissions. She believes that she is able to recommence regular, albeit lower, Chapter 13 plan payments.

14. A wage order will be submitted to the Court contemporaneously with the filing of this plan modification.

15. Proof of the Debtor's employment has been provided to the Trustee.

16. Accordingly, the Debtor seeks to modify her plan Pursuant to L.B.R.

3015-2(b) as follows:

- a. Surrender the 2015 Lincoln MKC (VIN: 5LMCJ2A95FUJ09079)(Acct. No. 7671) and treat any deficiency

- claim of Lincoln Automotive Financial Services (PACER Claim 1-2) as a Class 9 general unsecured claim¹;
- b. Excuse the current plan payment delinquency of \$19,678.00;
 - c. Reduce the dividend to Class 9 general unsecured creditors to \$1,925.30; and
 - d. Reduce the Debtor's plan payment from \$4,024.00 per month to \$1,662.07 bi-weekly (\$3,601.15 per month).

Respectfully Submitted:

Dated: December 21, 2017

GOLD, LANGE & MAJOROS, P.C.

By: /s/ Jason P. Smalarz
JASON P. SMALARZ (P71042)
24901 Northwestern Hwy., Ste. 444
Southfield, MI 48075
(248) 350-8220
jsmalarz@glmpr.com

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¹ The Automatic Stay as to the creditor and the corresponding collateral was terminated pursuant to an order entered March 14, 2017 (PACER Docket No. 59).

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_____/

ORDER MODIFYING PLAN

This matter has come before the Court upon the Notice of Proposed Post-Confirmation Plan Modification. The Court finds that the Notice of Proposed Post-Confirmation Plan Modification has been duly served upon all parties in interest and that no response thereto has been timely served upon the Debtor or Trustee. The Court has reviewed this Order and finds good cause to grant the relief requested; and now, therefore:

IT IS HEREBY ORDERED that the Debtor shall ssurrender the 2015 Lincoln MKC (VIN: 5LMCJ2A95FUJ09079)(Acct. No. 7671).

IT IS FURTHER ORDERED that any deficiency claim of Lincoln Automotive Financial Services (PACER Claim 1-2) shall be treated as a Class 9 general unsecured claim.²

IT IS FURTHER ORDERED that for good cause shown, the Debtor's current plan payment delinquency of \$19,678.00 is excused.

IT IS FURTHER ORDERED that for good cause shown, the dividend to Class 9 general unsecured creditors is reduced to \$1,925.30.

IT IS FURTHER ORDERED that for good cause shown the Debtor's plan payment shall be reduced to \$1,719.69 bi-weekly, effective January 1, 2018.

IT IS FURTHER ORDERED that in all other respect, the Order Confirming Plan, entered and dated August 16, 2017, as last amended, shall remain in full force and effect.

EXHIBIT A

² The Automatic Stay as to the creditor and the corresponding collateral was terminated pursuant to an order entered March 14, 2017 (PACER Docket No. 59).



13Network

GOLD, LANGE & MAJORS Case Query

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16-53993-MBM Calestro C. Bradford (xxx-xx-7794)

30870 Bradmore Road • • Warren • MI • 48092

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Print Inquiry Trustee: David Wm. Ruskin

Attorney: GOLD LANGE & MAJORS PC

Confirmed: 2/6/2017 (has passed) 4/11/2017 (has passed)

Case Status: Open/Active (8/16/2022)

The data on these pages has not been audited and is provided for general information only.

Line	Name	Claimed Amount	4 Month(s) since Confirmation UP = \$0.00	TPI = \$32,842.00	TPI LR = \$32,842.00	BOH = \$0.00	BOH+FEES = \$0.00
1	ATTORNEY FEE						
2	DEBTOR REFUND						
3	Secured Claim Regular Pmt Only						
4	EXECUTORY CONTRACT/LEASE						
5	CURRENT MORTGAGE						
6	FEDERAL NATIONAL MORTGAGE ASSN						
7	FEDERAL NATIONAL MORTGAGE ASSN						
8	Mortgage Arrears						
9	FEDERAL NATIONAL MORTGAGE ASSN						
10	Secured Debt Arrears						
11	THE RESERVE AT HERITAGE VILLAGE CONDO ASSN						
12	POST-PET/PRE-CONF MTG PYMTS						
13	ADDED CREDITOR						
14	ADDED CREDITOR						
15	ADDED CREDITOR						
16	SECURED						
17	THE RESERVE AT HERITAGE VILLAGE CONDO ASSN						
18	THE RESERVE AT HERITAGE VILLAGE CONDO ASSN						
19	ADDED CREDITOR						
20	ADDED CREDITOR						
21	PRIORITY						
22	INTERNAL REVENUE SERVICE						
23	STATE OF MICHIGAN CD						
24	ADDED CREDITOR						
25	All Unsecured Creditors						
	Total Unsecured	177601.6					
	Percent Allowed	1.1					
	Amount Allowed	\$1,953.62					

Change Line# 0 OK

Restart

Trustee's % 8.5

Lump Sum \$ 0.00

Delete Line 0 OK

Debtor 1 Pay Schedules

Who's Paying	Amount	Schedule	Upd	Calc
Calestro C. Bra	\$3,601.15	MONTHLY	\$?
Calestro C. Bra	\$9.00	WEEKLY	\$?

Debtor 2 Pay Schedules

Who's Paying	Amount	Schedule	Upd	Calc
DEBTOR	\$0.00	WEEKLY	\$?

David Ruskin - Detroit, MI

Your Chapter 13 Information Management System

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ATTACHMENT 1

LIQUIDATION ANALYSIS AND STATEMENT OF VALUE OF ENCUMBERED PROPERTY:

TYPE OF PROPERTY	FAIR MARKET VALUE	LIENS	DEBTOR'S SHARE OF EQUITY	EXEMPT AMOUNT	NON-EXEMPT AMOUNT
Primary Residence Primary Residence 30870 Bradmore Rd Warren, MI 48092	\$280,000.00	\$283,167.00	\$0.00	\$11,875.00	\$0.00
Rental Property 6527 Camarillo Court Indianapolis, IN 46278 (Joint with Lionel S. Bradford)	\$137,500.00	\$117,618.00	\$9,941.00	\$9,854.00	\$87.00
Clothing (including 2 fur coats)	\$1,500.00	\$0.00	\$1,500.00	\$1,500.00	\$0.00
HHG/PERSONAL EFFECTS	\$10,000.00	\$0.00	\$10,000.00	\$10,000.00	\$0.00
JEWELRY	\$3,000.00	\$0.00	\$3,000.00	\$3,000.00	\$0.00
Electronics	\$1,000.00	\$0.00	\$1,000.00	\$1,000.00	\$0.00
CASH/BANK ACCOUNTS	\$795.00	\$0.00	\$795.00	\$795.00	\$0.00
Golf clubs, exercise equipment, sewing machine, bike	\$300.00	\$0.00	\$300.00	\$300.00	\$0.00
Dog	\$1.00	\$0.00	\$1.00	\$1.00	\$0.00
Miscellaneous CDs, DVDs, books	\$5.00	\$0.00	\$5.00	\$5.00	\$0.00
Business Interests	\$16,300.00	\$0.00	\$16,300.00	\$1,000.00	\$15,300.00
IRA through Fidelity	\$50.00	\$0.00	\$50.00	100%	\$0.00
Potential unclaimed property with State of Michigan	Unknown	\$0.00	Unknown	\$0.00	\$0.00

Amount available upon liquidation.....	\$	<u>15,387.00</u>
Less administrative expenses and costs.....	\$	<u>0.00</u>
Less priority claims.....	\$	<u>11,000.00</u>
Amount Available in Chapter 7	\$	<u>4,387.00</u>

ATTACHMENT 2

CHAPTER 13 MODEL WORKSHEET LOCAL BANKRUPTCY RULE 3015-1(B)(2) E.D.M.

1. Proposed length of Plan: 60 months
2. Periods per plan: 60 monthly payments via ACH order
\$ 3,600.00 per pay period x 60 pay periods = \$216,000.00
3. Additional Payments: \$_____ per month x _____ months = \$_____ (subtotal)
4. Total to be paid into Plan (total of lines 2 through 4) \$216,000.00
5. Estimated Disbursements other than to Class 9 General Unsecured Creditors
 - a. Estimated Trustee Fees \$20,000.00
 - b. Estimated Attorney Fees and costs through confirmation of plan \$3,500.00
 - c. Estimated Attorney Fees and costs Post-confirmation through duration of Plan \$8,000.00
 - d. Estimated Fees of Other Professionals \$0.00
 - e.
 1. Total mortgage and other continuing secured debt payments \$137,262.80
 2. Total gap payments on secured claims \$6,837.09
 - f. Total non-continuing secured debt payments (including interest) \$0.00
 - g. Total Priority Claims \$11,000.00
 - h. Total arrearage claims \$15,000.00
 - i. Total Class 8 claims \$0.00
6. Total Disbursements other than to Class 9 General Unsecured Creditors (Total of lines 6.a through 6.h) \$201,599.89
7. Funds *estimated* to be available for Class 9 General Unsecured Creditors (Line 5 minus Line 6) \$ 14,400.11
8. Estimated dividend to Class 9 General Unsecured Creditors in Chapter 7 proceeding (see liquidation analysis on Page 7) \$4,387.00

COMMENTS:

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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In Re:

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Debtor.

Chapter 13

Case No. 16-53993-mbm

Hon. Marci B. McIvor

NOTICE OF PROPOSED PLAN MODIFICATION

Debtor has filed papers with the court to MODIFY THE CHAPTER 13 PLAN.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to allow the PROPOSED PLAN MODIFICATION or if you want the court to consider your views on the PROPOSED PLAN MODIFICATION within twenty-one (21) days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:¹

United States Bankruptcy Court
211 West Fort Street
Detroit, Michigan 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

¹Response or answer must comply with F. R. Civ. P. 8(b), (c) and (e)

You must also mail a copy to:

David Wm. Ruskin
Chapter 13 Standing Trustee
1100 Travelers Tower
26555 Evergreen Rd.
Southfield, MI 48076-4251

Jason P. Smalarz, Esq.
Gold, Lange & Majoros, PC
24901 Northwestern Hwy., Suite 444
Southfield, MI 48075

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: December 21, 2017

/s/ Jason P. Smalarz
JASON P. SMALARZ (P71042)
GOLD, LANGE & MAJOROS, P.C.
24901 Northwestern Hwy., Suite 444
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CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2017, I electronically filed:

- Proposed Post-Confirmation Plan Modification
- Certificate of Service

with the Clerk of the Court using ECF system which will send notification of such filing to the following:

Office of the United States Trustee
211 W. Fort Street, Suite 700
Detroit, MI 48226

Office of the Chapter 13 Standing Trustee
David Wm. Ruskin
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251

and I also hereby certify that I mailed by First Class Mail with the United States Postal Service copies of the above noted documents to the following non-ECF participants:

All parties listed on the Court's matrix of creditors.

Respectfully submitted,

Dated: December 21, 2017

/s/ Cheryl A. Pitts
Cheryl A. Pitts, Paralegal
Gold, Lange & Majoros, P.C.
24901 Northwestern Hwy., Suite 444
Southfield, MI 48075
Phone: (248) 350-8220
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